THE HONOUABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.7088 of 1995

Between:

D.Narasinga Rao. **.. PETITIONER**

AND

The Management,

M/s.Engine Volves Limited and another.

.. RESPONDENTS

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ORDER:

The order of the Industrial Tribunal-II, Hyderabad, in I.D.No.104 of 94, dated 16-03-1995, whereby the Tribunal held that it was not prohibited from examining the validity of the domestic enquiry as a preliminary issue, is impugned in this writ petition.

Sri S.Bharat Kumar, learned counsel for the petitioner, would place reliance on ***D.P.MAHESHWARI*** v. ***DELHI ADMINISTRATION*** and ***SHAMBHU NATH GOYAL*** v. ***BANK OF BARODA,*** wherein the Supreme Court held that belated request for deciding a preliminary issue should not be entertained. The Tribunal in its order, on the other hand, referred to several judgments including that of the Supreme Court in ***COOPER ENGINEERING LIMITED*** v. ***P.P.MUNDHE.***

The dispute in the present case relates to the year 1988 when the petitioner was dismissed from service. Nearly three decades have elapsed since then. Instead of examining the justification or otherwise of the impugned order of the Tribunal, ends of justice would be met if the industrial dispute itself were directed to be heard and disposed of early, leaving it open to the petitioner herein, if he is so aggrieved, to challenge the order of the Tribunal on the preliminary issue also, after a final

award is passed.

The writ petition is disposed of with a direction to the second respondent herein to dispose of the main I.D. itself within a period of three months from the date of receipt of a copy of this order. The Tribunal, in accordance with the order passed on 16-03-1995, shall decide the validity of the domestic enquiry, thereafter exercise its jurisdiction under Section 11-A of the Act and pass an award accordingly. The Tribunal shall, if need be conduct proceedings on a day to day basis in order to ensure that the industrial dispute is heard and decide within the aforesaid time frame i.e., three months. No order as to costs.

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02-03-2006

Note:

C.C. in two days

(B/o)

Prv